

Serial No.: 10/751,129
Group Art Unit: 2443
Examiner: Kyung H. Shin

REMARKS

Claims 2-19 are now pending in this application, with claim 2 being an independent claim. Claim 2 has been amended and claims 17, 18 and 19 have been added.

In The Claims

In the present official action, independent 2 was rejected under 35 USC 103(a) as being unpatentable over Crinion et al. (US Patent No. 6,181,699) in view of Rimmer (US Patent No. 6,681,262) and further in view of Denney et al. (US PG PUB No. 20030061623) and further in view of Hussain et al. (US Patent No. 7,161,904).

Regarding independent claim 2, Applicants have amended independent 2 and respectfully assert that this claim as now presented overcomes the cited references and that neither Crinion, Rimmer, Denney nor Hussain, whether taken alone or in any reasonable combination teach, disclose or render obvious the present invention as now claimed. In particular, claim 2 has been amended to include the limitation of "*said traffic policer utilizing a three color marker algorithm to identify frames for discard*" (support for which can be found at least in reference to Figure 4 and page 3, paragraph [0025]). As this limitation is not disclosed in Crinion, Rimmer, Denney or Hussain, Applicants respectfully assert that claim 2 is patentable over the cited references.

Regarding the rejections of claims 3-19, as these claims depend either directly or indirectly from independent claim 2, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to independent claim 2, Applicants respectfully assert that these claims are also patentable over the cited references.

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CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned.

Respectfully submitted,

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